

Central Administrative Tribunal
Principal Bench, New Delhi

OA No.1613/2020

Today this the 22th day of October, 2020

Through video conferencing

Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Central PWD Engineers
Association Through P R Charan Babu

...Applicant

(By Advocate : Mr. Lokesh Kumar Sharma)

Versus

Ministry Of Housing
And Urban Affairs

...Respondents

(By Advocate : Mr. Hanu Bhaskar)



Order (Oral)

Justice L. Narasimha Reddy, Chairman



The 1st applicant is an Association of CPWD Engineers. This OA is filed with a prayer to declare the promotion orders dated 25.02.2015, 30.09.2016, 17.05.2017, 23.08.2018, 23.09.2019 and 17.08.2020, regularly promoting the officials as Assistant Executive Engineers (AEEs) and the further orders dated 28.12.2018 and 11.07.2019 promoting the Executive Engineers (EEs) from the channel of AEEs, as Superintending Engineers (SEs). Various other prayers also are made including the one for quashing the order dated 17.01.2020 in respect of the cadre of Executive Engineers and for a direction to issue fresh seniority list.

2. We heard Sh. Lokesh Kumar Sharma, learned counsel for the applicant and Sh. Hanu Bhaskar, learned counsel for the respondents at length at the stage of admission.

3. The prayer is not only far reaching but also in several facets. One part of the prayer is to set aside the orders of promotions, referable to for as many as six years, from 2015-2020. Apart from

that the promotion to the post of Superintendent Engineers and the seniority list of Executive Engineers was also challenged.



4. We find two serious impediments to entertain the OA. The first is that the promotions were made in the year 2015, 2016, etc., and enblock all the orders of promotions are challenged. The same is not only barred by latches, limitation but also is clearly impermissible in law. The second is that several hundreds of AEEs were promoted as EEs over the past six years. None of them are impleaded. Only four Executive Engineers were impleaded in the OA as respondents, in a limited context. Another aspect is that, when the seniority list is challenged it is fundamental that all the persons whose seniority is likely to be affected are required to be impleaded. For reasons best known to the applicants, they did not implead the persons, to be effected on account of challenge to the promotion.

5. Across the bar it is pleaded that the orders of promotion which are impugned in the OA are contrary to the specific directions issued by the Hon'ble High Court of Delhi. If that is so, the applicants have to approach the Hon'ble High Court for necessary directions.

6. We do not find any merit in this OA and dismiss the same. There shall be no order as to costs.



(Aradhana Johri)
Member (Admn.)

(Justice L.Narasimha Reddy)
Chairman

Sd/pinky/09/11